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8 Attorneys for Defendant JAMES LUCERO

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 NATIONAL UNION FIRE INSURANCE
15 COMPANY OF PITTSBURGH,

16 Plaintiff,

17 v.

18 RESOURCE DEVELOPMENT SERVICES,
INC. et al.,

19 Defendants.
20

CASE NO. C 10-01324 JF

**DEFENDANT JAMES LUCERO'S
ANSWER TO PLAINTIFF'S SECOND
AMENDED COMPLAINT**

21
22 Defendant James Lucero hereby answers plaintiff National Union Fire Insurance Company
23 of Pittsburgh's Second Amended Complaint as follows:

24 In response to plaintiff's Second Amended Complaint, Mr. Lucero asserts his Fifth
25 Amendment privilege against self-incrimination. Mr. Lucero has been criminally charged in
26 *People v. James Lucero et al.*, Case No. CC828826, which is currently pending in Santa Clara
27 County Superior Court. The criminal proceeding arises out of the same or related events as are
28 alleged in plaintiff's Second Amended Complaint.

1 Mr. Lucero reserves the right to withdraw his assertion of the Fifth Amendment privilege
2 and respond to the Second Amended Complaint prior to trial.

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4 DATED: February 10, 2011

/s/ Josh A. Cohen

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